

MINUTES

OF THE

FEBRUARY 8, 2018 REGULAR MEETING



OF THE

OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE FEBRUARY 8, 2018 REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on February 8, 2018.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Tish Sommer, WCC; Dr. Jay Canon, WCC; Clif Cypert, Eric Russell, WCC; WCC; Dana Esparza, WCC; Jennifer Reeves, WCC; Bill Dunn, WCC; and Stormy Moore, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

Approval of Minutes

Chairman Liotta presented the minutes of the February 5, 2018 public meeting for approval.

Motion: Commissioner Tilly moved to approve the minutes of the February 5, 2018 public meeting.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, Commissioner Tilly.

The motion carried.

1. Discussion and Consideration of Current Commission Policies

The Commission discussed and considered the following current Commission policies and determined if any updates are necessary: (a) Workplace Violence and Anti-Bullying Policy; and (b) WCC Employee Election Season Policy. Human

Resources Director Clif Cypert was recognized, reported on the policies and made a recommendation. He advised the WCC Employee Election Season Policy was continued from the Commission's January 11, 2018 agenda for updates consistent with applicable Ethics Commission Rules. The current Workplace Violence and Anti-Bullying Policy and modified WCC Employee Election Season Policy were presented for action by the Commission.

Motion: Commissioner Tilly moved to: (a) adopt the Workplace Violence and Anti-Bullying Policy; and (b) adopt the updated WCC Employee Election Season Policy, without modification as recommended by Clif Cypert.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

2. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. § 23 states any commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.

In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

Motion: Commissioner Russell moved to approve the travel vouchers as proposed.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

3. Discussion and Consideration of Including a Screen Print Copy of a Public Search Using the Commission's Public Terminals Under the Copy Charge Set Out in 85A O.S. § 119.

Per 85A O.S., § 119, persons requesting and receiving copies of documents on file with the Workers' Compensation Commission shall pay a fee to the Commission of \$1.00 per page copied. Proposed for the Commission's consideration is charging a fee of \$1.00 per screen print copy of a public search

using the Commission's public terminals. The Commission discussed the fee at its January 30, 2018 special meeting, but no action was taken. It was agreed to continue the matter to the Commission's February 8, 2018 regular meeting, at which time the Commission considered taking no action, approving the copy fee as proposed, approving the copy fee with amendment(s), not approving the copy fee, or continuing the matter.

Motion: Commissioner Tilly moved to charge twenty five cents (\$0.25) per screen shot consistent with the Open Records Act, 51 O.S., § 24A.5.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

4. Proposed Approval of Independent Medical Examiners and a Medical Case Manager for the Commission

Title 85A O.S., § 112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IME). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured workers. The period of qualification for physicians shall be two (2) years. Likewise for case managers, 85A O.S., § 113 requires a list of qualified case managers be developed, maintained and periodically reviewed by the Commission. The period of qualification for case managers is two (2) years.

The Commission considered approving the physician and case manager list, which had been vetted by the Medical Director and staff and had been made available to each Commissioner for the Commission's approval.

Motion: Commissioner Russell moved to approve all physicians and the medical case manager on the list provided.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

5. Proposed Commission Approval of Group Self-Insurance Applications for New Membership:

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence

of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement and estimated standard and discounted premium the applicant will pay during the period between the application effective date and the association's renewal.

The Commission considered approving the following applications for new membership to the **Oklahoma Automobile Dealers Self-Insured Association (#75058)**:

#875 SW Auto Connection, LLC

#876 Jay Hodge DCJR, LLC

#877 Roberts Auto Center, LLC

#878 Roberts Dodge-Chrysler-Jeep, LLC

#879 Roberts-Ford-Lincoln, LLC

Commission Permitting Services Division Director Stormy Moore was recognized, reported and recommended approval of the applications.

Motion: Commissioner Russell moved to approve the applications as proposed.

Second: Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

6. Discussion and Consideration of Releasing the Letter of Credit of W-W Trailer Manufacturer's Inc., a Former Individual Own Risk Employer (#16138)

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two (2) years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be released at the Commission's discretion upon application by the employer and submission of current financial statements and a signed and notarized affidavit from a duly authorized officer of the employer, affirming that all workers' compensation claims have been permanently closed, and the statute of repose for reopening the claims has passed.

Commission Permitting Services Division Director Stormy Moore was recognized, reported and gave a recommendation. The Commission considered releasing the Letter of Credit of W-W Trailer Manufacturer's Inc., a former individual own risk employer (#16138).

Motion: Commissioner Tilly moved to release the security deposit of W-W Trailer Manufacturer's Inc., a former individual own risk employer (#16138).

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

7. Reports

THE FOLLOWING REPORT WAS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WAS TAKEN.

Legislative Update Report

Commissioner Russell reported on legislative meetings and legislation affecting the Commission.

8. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, Candidate C, Candidate D, Candidate E, Candidate F, Candidate G, Candidate H, Candidate I, Candidate J, Candidate K, Candidate L, Candidate M, Candidate N, Candidate O, Candidate P, or Candidate Q for the position of Executive Director.

A. Motion and Vote to:

Go into Executive Session under Title 25 O.S. § 307(B)(1) for purposes of discussing the hiring, salary or employment of Candidates listed in Agenda Item 8 for the position of Executive Director.

Motion: Commissioner Tilly moved to go into Executive Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

B. Motion and Vote to Reconvene in Open Session

Motion: Commissioner Tilly moved to reconvene in Open Session.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried. No action was taken as a result of the Executive Session.

9. Announcements

The Commission's next regularly scheduled appeals meeting is on Friday, February 9, 2018. The Commission's next special business meeting is on Tuesday, February 20, 2018 for purposes of a public hearing on the Commission's proposed permanent rules and forms revisions.

ADJOURNMENT.....Chairman Liotta

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

The motion carried.

The meeting adjourned.